



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/313,266	05/18/99	SHINGAI	H C32-113919M/

QM01/0927

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EXAMINER

LEO, L

ART UNIT

PAPER NUMBER

3743

DATE MAILED:

09/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/313,266

Applicant(s)

Shingai et al.

Examiner

Leonard R. Leo

Group Art Unit

3743



☒ Responsive to communication(s) filed on Jul 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) 6, 7, 10, and 14 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5, 8, 9, 11-13, and 15-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Election/Restriction

Applicant's election without traverse of the species of Figure 1 in Paper No. 7 is acknowledged.

Claims 6-7, 10 and 14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Claims 6-7 recite an "air blowing hole" which is read on and disclosed by Figure 6.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "a method of assembling" whereas claim 1 recites a fan motor",
representing two statutory classes of invention. ^{The claim} Claim is indefinite, because it is unclear which class of invention is being claimed.

Claim 4 recites the limitation "said recessed portion" in 6. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 10, 12-13 and 15-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Uemauro et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9, 11 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemauro et al in view of Papst et al.

Uemauro et al discloses all the claimed limitations except the motor attached to a thermally dissipating surface.

Papst et al discloses a fan motor comprising an attaching plate 21 affixed to thermally dissipating surface 2 with components 12, 13 thereon for the purpose of achieving a desired heat exchange.

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Since Uemauro et al and Papst et al are both from the same field of endeavor and/or analogous art, the purpose disclosed by Papst et al would have been recognized in the pertinent art of Uemauro et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ Uemauro et al with a thermally dissipating surface with components for the purpose of achieving a desired heat exchange as recognized by Papst et al. Further, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claims 3 and 5, the Examiner takes Official Notice of the claimed structure being notoriously well known in the art of circuit boards. Specifically, the Examiner cites the attachment of wire leads on his personal computer disk and/or tape drive assembly (circa 1987).

Regarding claims 18-19, Papst et al discloses through-holes receiving unlabelled screws or bolts to mount the motor 21 to the thermally dissipating plate 2. Further, a blind-hole is believed to be an obvious variant of the through-holes of Papst et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 3700 receptionist whose telephone number is (703) 308-0861.

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Any inquiry concerning this communication should be directed to Leonard R. Leo
whose telephone number is (703) 308-2611.

A handwritten signature in cursive script, reading "Leonard R. Leo".

LEONARD R. LEO
PRIMARY EXAMINER
ART UNIT 3743

September 25, 2000